

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4395

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DERRICK GLENN JOHNSON, a/k/a Derek Johnson,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:10-cr-00153-TDS-1)

Submitted: February 29, 2016

Decided: April 1, 2016

Before GREGORY, DUNCAN, and THACKER, Circuit Judges.

Dismissed and remanded with instructions by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, John A. Duberstein, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Michael Francis Joseph, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derrick Glenn Johnson appeals the district court's order revoking his term of supervised release and sentencing him to a 10-month term of imprisonment and an additional 26-month term of supervised release. Johnson's counsel has moved to dismiss the appeal, representing to the court that Johnson died in January 2016. The Government does not oppose the motion.

We grant counsel's motion to dismiss and dismiss the appeal as moot. We remand the case to the district court with instructions to vacate its June 5, 2015 order of judgment and commitment and to dismiss the petition for the revocation of Johnson's supervised release. See United States v. Dudley, 739 F.2d 175, 176 (4th Cir. 1984) (holding that death of appellant pending appeal of criminal conviction results in abatement of appeal and prior proceedings).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED AND
REMANDED WITH INSTRUCTIONS